

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LARRY JAMES FORSYTHE,

Petitioner,

vs.

STATE OF NEVADA, et al.,

Respondents.

2:10-CV-01049-PMP-LRL

ORDER

Before the Court for consideration is Respondents' Motion to Dismiss Petition for Writ of Habeas Corpus by a Person in State Custody (Doc. #7), filed on December 13, 2010. Respondents' Motion is fully briefed, and the Court finds that it should be granted.

Specifically, the Court Petitioner Forsythe has never addressed before the Nevada Supreme Court any of the grounds for which he seeks habeas relief in this action. The doctrine of exhaustion requires that he do so. 28 U.S.C. § 2254(b); Vasquez v. Hillery, 474 U.S. 254, 275 (1986). Additionally, Forsythe's Petition is time barred under pertinent provisions of the Antiterrorism and Effective Death Penalty Act of 1996. 28 U.S. C. § 2244(d)(1).

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1 **IT IS ORDERED that** Respondents' Motion to Dismiss Petition for Writ
2 of Habeas Corpus by a Person in State Custody (Doc. #7) is **GRANTED**, and that
3 the Petitioner Larry Forsythe's Petition for Writ of Habeas Corpus by a Person in
4 State Custody (Doc. #1) is hereby **DISMISSED** with prejudice.

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6 DATED: January 11, 2011.

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9 PHILIP M. PRO
United States District Judge